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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,791	06/23/2003	Joe Quint	2359/SPRI.105610	8319
32423	7590	12/13/2005	EXAMINER	
SPRINT COMMUNICATIONS COMPANY L.P. 6391 SPRINT PARKWAY KSOPHT0101-Z2100 OVERLAND PARK, KS 66251-2100			NGUYEN, TU T	
			ART UNIT	PAPER NUMBER
			2877	

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H-9

Office Action Summary

Application No.

10/601,791

Applicant(s)

QUINT, JOE

Examiner

Tu T. Nguyen

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adam et al (2004/0006726) in view of Acterna Atlas (Remote Fiber Test System).

With respect to claims 1,9,28, Adam discloses an OTDR device. The device comprises: receiving an OTDR trace file 12 (fig 1); storing the data file on a storing medium 16 (fig 1); receiving a request in a browser and communicating the OTDR information to the browser (paragraphs [0005], [0018], [0027]).

Adam does not explicitly disclose receiving the trace file in its native format. Since Adam's data directly receives the data 16 (fig 1) from the measurements 12 (fig 1), it would have been obvious that Adam's storage medium 16 (fig 1) receives the data in the native format from the OTDR. Further, Applicant does not explicitly define the claimed native format so any format of the received data from the test equipment 12 (fig 1) could be considered as the claimed native format.

Adam does not disclose identifying a viewer that can render the OTDR information in the browser. Acterna manual discloses a function for identifying a range of privileges of a viewer that can render the OTDR information (section Web enabled). It

would have been obvious to modify Adam with the identifying function taught by Acterna to secure the storage data.

With respect to claims 2-3,12-13,17, Adam discloses storing a measurement data related to diagnosing communications problem of a testing fiber cable (paragraphs [0018], [0019]).

With respect to claim 4, since Adam discloses that the raw data could be downloaded upon a request (paragraph [0027]), it would have been obvious Adam stores the measured data in its native format.

With respect to claims 5,14,20,27, Adam discloses the claimed native format (paragraph [0018]; .SOR (fig 5)).

With respect to claims 6, Adam discloses a computer 18 (fig 1) for translating the data into a viewable data (figs 8,9).

With respect to claims 7-8,21, it would have been obvious to modify Adam with the claimed plug-in to facilitate the measurement.

With respect to claim 10, Adam discloses a computer 18 (fig 1) for performing all the function discussed in claim 1 above.

With respect to claims 11,15, refer to discussion in claim 1 above for the OTDR and claim 4 above for storing the native format.

With respect to claim 16, the claimed using OTDR as a problem-diagnosis device for locating a fiber fault location would have been known. It would have been obvious to modify Adam's OTDR to locate the fault location of the fiber to fix the fiber easier.

With respect to claim 18, it would have been obvious a designed choice to modify Adam's storage data to include wavelength measurements to test different characteristics of the fiber.

With respect to claims 19,26, Adam discloses storing the data in a format generated by the OTDR (paragraph [0018]).

With respect to claim 22, refer to discussion in claim 1 above for the OTDR. Further, Adam discloses the claimed user interface (paragraph [0005]).

With respect to claims 23,31, Adam discloses the claimed data selections (fig 7, backscatter coefficient).

With respect to claims 24-25, it would have been obvious a design choice to modify Adam with a first screen for navigating to a plurality of OTDR functions as claimed to check different defects in the cable.

With respect to claims 29-30, it would have been obvious a design choice to modify Adam browser to include a print function to print out any desired data.

Response to Arguments

Applicant's arguments filed on 09/29/2005 have been fully considered but they are not persuasive.

With respect to Applicant's arguments about "identifying a viewer" and "render the OTDR information" on pages 8-9, claim 22 does not claim the "identifying a viewer" limitation. Further, the claimed viewer could be interpreted as a terminal or a monitor, which is connected to a web link using a web browser to display data. Adam teaches eliminating the need for **special** data viewers (see Adam [0027]) only. Adam does not disclose eliminating normal data viewers (i.e. regular web browsers). Since Adam teaches outputting data to a web page ([0027]), It would have been obvious that the data could be displayed on a terminal by using a web browser. Since Adam teaches the original raw data could be downloaded for specialized trace viewers (paragraph [0027]), It would have been obvious that Adam would have to identify the requested viewer so that the requested data would be directed (render) to a right viewer (terminal).

With respect to Applicant's argument about the "native format" data, Adam discloses storing "original raw data" (paragraph [0027]). Since Applicant does not explicitly the format or special structure of the claimed "native format", it would have been obvious that Adam's "original raw data" could be considered as the claimed "native format" data.

With respect to Applicant's argument about the claimed "plug-in", since the general conditions of the invention were disclosed by the prior arts, modify the prior art with the known plug-in to make the system more accurate or easy to use would involve only routine skill in the art.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu T. Nguyen whose telephone number is (571) 272-2424. The examiner can normally be reached on T-F 7:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Toatley Jr. can be reached on (571) 272-2800 Ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tu T. Nguyen
Primary Examiner
Art Unit 2877

12/10/2005